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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/875,798	06/05/2001	Ashvinkumar J. Sanghvi	MS1-693US	5525
22801	7590	01/30/2006	EXAMINER	
LEE & HAYES PLLC 421 W RIVERSIDE AVENUE SUITE 500 SPOKANE, WA 99201			SIDDIQI, MOHAMMAD A	
			ART UNIT	PAPER NUMBER
			2154	

DATE MAILED: 01/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 09/875,798	<b>Applicant(s)</b> SANGHVI, ASHVINKUMAR J.	
	<b>Examiner</b> Mohammad A. Siddiqi	<b>Art Unit</b> 2154	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 16 November 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-16, 18-21, 23 and 24 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-16, 18-21, 23 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |   |   |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)  | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date <u>07/08/2005</u> . | 6) <input type="checkbox"/> Other: _____  |

**DETAILED ACTION**

1. Claims 1-16, 18-21, and 23-24 are presented for examination. Claims 17 and 22 have been canceled.

***Continued Examination Under 37 CFR 1.114***

2. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/02/2005 has been entered.

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

4. Claims 1-16, 18-21, and 23-24 are rejected under 35 U.S.C. 102(b) as being anticipated by Thebaut et. al. (5,889,953) (hereinafter Thebaut).

5. As per claim 1, Thebaut discloses a method comprising:

assigning a plurality of devices to a group (53,54,56, fig 5, col 5, lines 30-52, col 6 lines 3-11, domain is interpreted as a group of computers and devices on a network that are administered as a unit with common rules and procedures);

assigning at least one event-handling (col 4, lines 9-15) policies to the group (53,54,56, fig 5, col 5, lines 30-52, col 6 lines 3-11), wherein assigned policy is associated with each of the plurality of devices in the group (col 5, lines 60-67; col 6, lines 1-11); and

evaluating a current state (col 6, lines 62-67) of each device in the group before the assigned policy is applied to the device (elements of fig 3, col 5, lines 29-52, configuration: the selected parameters that determine the operating characteristics of an electronic device).

6. As per claim 10, Thebaut discloses group of devices having an associated event-handling policy assigning event-handling policy (53,54,56, fig 5, col 5, lines 30-52, col 6 lines 3-11, col 4, lines 9-15) domain is

interpreted as a group of computers and devices on a network that are administered as a unit with common rules and procedures);

an event log configured to store event data (col 5, lines 14-21);

a management module (policy configuration management, col 5, lines 13-25) coupled to the group of devices and the event log (col 5, lines 13-52),

wherein a current state (col 6, lines 62-67) of each device in the group of devices is evaluated by the management module before the event-handling policy is applied to the device (col 5, lines 40-67); and

wherein the management module (policy configuration management, col 5, lines 13-25) determines whether a particular device is currently a member of the group before the event-handling policy is applied to the device (col 5, lines 40-67).

7. As per claim 18, the claim is rejected for the same reasons as claims 1, above.

8. As per claim 2, Thebaut discloses evaluating a current state (device goes up or down etc, col 6, lines 49-67) of each device determines whether each device is currently a member of the group (col 6, lines 49-67).

9. As per claim 3, the claim is rejected for the same reasons as claim 1, above. In addition, Thebaut discloses determining whether a particular device is currently a member of the group (col 5, lines 29-67, col 6, lines 49-67, monitoring objects in the domain space); and

applying the assigned policy to the particular device if the particular device is currently a member of the group (col 5, lines 29-67, col 6, lines 1-11, monitoring objects in the domain space).

10. As per claims 4 and 12, Thebaut discloses each device is assigned at least one additional policy that is not assigned to the group (conflicts anticipates devices are assigned with more than one policy, col 4, lines 25-34).

11. As per claims 5 and 19, Thebaut discloses a particular device is assigned to multiple groups (parent and grandparent domain, col 4, lines 25-34).

12. As per claims 6 and 13, Thebaut discloses the event-handling policy defines how the device is configured (col 5, lines 60-67 and col 6, lines 1-11).

13. As per claims 7, 14 and 20, Thebaut discloses the event-handling policy identifies the types of events that are provided to each device (col 5, lines 60-67 and col 6, lines 49-67).

14. As per claim 8, Thebaut discloses the method is implemented by a management module (PCM, col 5, lines 60-67).

15. As per claim 9, Thebaut discloses One or more computer-readable memories containing a computer program that is executable by a processor to perform the method of claim 1 (fig 15, col 16, lines 54-65).

16. As per claim 11, Thebaut discloses a plurality of groups of devices are coupled to the management module (PCM, fig 6, col 5, lines 60-67)

17. As per claim 15, Thebaut discloses the apparatus is part of an enterprise computing system (col 4, lines 65-67).

18. As per claim 16, Thebaut discloses the management module receives event data generated by a plurality of event providers (col 4, lines 65-67 and col 5, lines 1-26).

19. As per claim 21, the claim is rejected for the same reasons as claim 1, above. In addition, Thebaut discloses if the states of a particular system in the particular group is not valid (col 4, lines 25-67), updating the particular group to delete the particular system (disallowing overlapping, col 2, lines 5-43; col 4, lines 25-67); and applying the policies to the systems in the updated group (col 2, lines 5-43; col 4, lines 25-67).

20. As per claim 23, Thebaut discloses creating an event log associated with the particular group (col5, lines 14-26); and maintaining information about the states of the systems in the particular group in the event log (col5, lines 14-26; col 6, lines 49-67)

21. As per claim 24, Thebaut discloses the states represent at least one of a version of an operating system, a location in a geographic region, a configuration of the system, presence of a particular hardware item, or capacity of a particular hardware item (col 4, lines 65-67, col 6, lines 49-67, enterprise network is a geographically dispersed network under the jurisdiction of one organization. It may include several different types of networks and computer systems from different vendors.).



***Response to Arguments***

22. Applicant's arguments with respect to claims 1-16, 18-21, and 23-24 have been considered but are moot in view of the new ground(s) of rejection.

***Conclusion***

23. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

U.S. Patent 6,473,851 teaches merging multiple policies, overlapping/intersecting and conflict resolution.

U.S. Patent 5,872,928 teaches defining and enforcing policies.

U.S. Patent 6,243,747 teaches defining and enforcing policies.

U.S. Patent 6,381,639 teaches defining and enforcing policies.

U.S. Patent 6,799,208


U.S. Patent 6,466,932

24. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad A. Siddiqi whose telephone number is (571) 272-3976. The examiner can normally be reached on Monday -Thursday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John A. Follansbee can be reached on (571) 272-3964. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

MAS

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